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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

COSIMANO, EDWARD R

ART UNIT PAPER NUMBER

3629

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

09/687,303

Applicant(s)

MILLER ET AL.

Examiner

Edward R. Cosimano

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MLW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/16/04</u> . | 6) <input type="checkbox"/> Other: _____ |

1. Applicant should note the changes to patent practice and procedure:
 - A) effective December 01, 1997 as published in the Federal Register, Vol 62, No. 197, Friday October 10, 1997;
 - B) effective November 07, 2000 as published in the Federal Register, Vol 65, No. 54603, September 08, 2000; and
 - C) Amendment in revised format, Vol. 1267 of the Official Gazette published February 25, 2003.
2. The specification and drawings have not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification or drawings. Applicant should note the requirements of 37 CFR § 1.74, § 1.75, § 1.84(o,p(5)), § 1.121(a)-1.121(f) & § 1.121(h)-1.121(i).
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

 - (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 3.1 Claims 1-17 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by either Ng or the February 25, 1997 PR Newswire article from Fort Worth Texas as evidenced by Bull et al (5,901,287).
- 3.1.1 In regard to claims 1-17, either Ng or the February 25, 1997 PR Newswire article from Fort Worth Texas disclose a computerized system under the control of a computer program stored in a computer readable storage medium. This system collects flight data for scheduled flights and updated flight data for the scheduled flights. Further, this system will for the passengers that have preregistered for notification will compare the scheduled and updated flight times and if there is no a change then periodically notify the passenger a predetermined time before the scheduled flight time, whereas if there is a change then periodically notify the passenger of the change a predetermined time before the updated flight time.

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3.1.2 Further in regard to the claimed invention, Ng clearly states that:

“SABRE, working with Cambridge, Mass.-based Pure Speech, will incorporate its Travel Messaging service, which includes a voice-recognition tool, into its Business Travel Solutions (BTS). The Travel Messaging service will provide business travelers advance *notification* of *flight* *departure* and *arrival* *times*, gate *changes* and delays, through alphanumeric pagers or cellular phones. A roll-out date is set for the end of this year.” {emphasis added};

and further as stated in the February 25, 1997 PR Newswire article from Fort Worth Texas, it is clearly stated that SABRE does not intend this service for business traveler's alone:

“The SABRE Group(SM), a creator of Travelocity, the one-stop travel planning Web site which allows online booking of airline tickets, rental cars and hotel accommodations, is taking Internet technology a step further by allowing users to register at <http://www.travelocity.com> for a new Flight Paging service. This exclusive introductory service allows both business and leisure travelers to be *notified* in advance of *flight* *departure* and *arrival* *times*, gate *changes* and *flight* delays. Users must have an alphanumeric pager.” {emphasis added}.

3.1.3 In regard to claims 1, 2, 5, 6, 10, 11, 14 & 15 from the above teachings, as one of ordinary skill at the time of the invention would have readily recognized, that in order for SABRE to operatively implement the services for any traveler as described above, SABRE would inherently have to:

A) include a data base of registered travelers where the data base must include at least:

- (1) the flight numbers;
- (2) the flight arrival/departure times;
- (3) the travel dates/time; and
- (4) a means/method of contacting the traveler so as to relay necessary information to a traveler;

for each of the registered travelers so as to determine when a register traveler is planning to travel;

B) include a means/method of obtaining current flight information from various airlines and/or airports in order to determine if any flights have been changed, delayed, cancelled, etc.;

C) include a means/method of identifying flight changes by comparing the travel/flight information for a particular traveler, as contained in the above data base of point (A) above, includes a flight that has been identified by an airline/airport as being changed, delayed, cancelled, etc., as indicated by the information obtained in point (B) above;

D) include a means/method for notifying registered travelers in advance, based on the determination of point (C) above, that a change in the travel plans of registered travelers has occurred by pushing/transmitting a notification of the new/corrected/changed travel information to the registered traveler.

3.1.4 As per the time period specified in claims 3, 4, 8, 9, 12, 13, 16 & 17, it is noted that Ng clearly teaches the advance notification of changes to the traveler, while a particular time has not been specified by Ng, as stated in the February 25, 1997 PR Newswire article from Fort Worth Texas, it is clearly stated that SABRE through it's Travelocity Flight Paging service intends notify traveler's of changes an hour before the traveler is scheduled for an appointment/arrival/departure:

"According to Jones, the Travelocity Flight Paging service can be an especially useful tool for frequent business travelers. "If you have a tendency to run late for flights, you simply sign up and have the service page you an hour before departure with current gate information and *departure* *time*. Those who pick up family members or co-workers at the airport can be notified of their party's *arrival* *time*." {emphasis added}

In this regard, 60 minutes is an hour and "approximately 30 minutes" could include an hour, since the word approximately does not have a predefined meaning as to how close to a specified number the value has to be in order for it to be approximate.

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3.1.5 In regard to the use of multiple computers and a network of computers in claims 18-23, as one of ordinary skill at the time of the invention would have readily recognized, as evidenced by Bull et al (5,901,287), a computer system used by SABRE may comprise one or more computer systems working together as a single computer system.

4. Response to applicant's arguments.

4.1 All rejections and objections of the previous Office action not repeated or modified and repeated here in have been over come by applicant's last response.

4.2 As per the 35 U.S.C. § 102 rejection, since:

A) one of ordinary skill at the time of the invention would have readily recognized that the problem solved by the system of Ng is equally applicable to both business and non-business travelers, applicant's arguments in regard to the intended use of the system described in Ng are non persuasive.

5. The examiner has cited prior art of interest:

A) Bull et al (5,901,287) which discloses that user can access information stored in one or more computer systems/databases that are located at one or more locations and interconnected by a network.

B) either Jones (2003/0233190) or Laird (2004/0044467) which disclose an advance notification system in which the location of a vehicle is compared to the scheduled location of the vehicle as contained in a database and if there is a difference, then the estimated arrival of a vehicle at a subsequent location is adjusted accordingly so that a registered user will be notified in advance notification of the predicted arrival of the vehicle at the subsequent location based on an user selected advance notification time period.

6. The shorten statutory period of response is set to expire 3 (three) months from the mailing date of this Office action.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Cosimano whose telephone number is (703) 305-9783. The examiner can normally be reached Monday through Thursday from 7:30am to 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss, can be reached on (703)-308-2702. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

7.1 The fax phone number for UNOFFICIAL/DRAFT FAXES is (703) 746-7240.

7.2 The fax phone number for OFFICIAL FAXES is (703) 872-9306.

7.3 The fax phone number for AFTER FINAL FAXES is (703) 872-9306.

05/24/04



Edward R. Cosimano
Primary Examiner A.U. 3629